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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JONES, MARCUS D

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,882	Applicant(s) JOMAA ET AL.	
	Examiner MARCUS D. JONES	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 June 2009 has been entered.

Claims 1-8 and 10-24 are currently pending.

Claim 9 is cancelled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-20, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (US PGPub 2003/0092484).

In reference to claims 1, 22 and 24, Schneider discloses: A method and apparatus for allocating a prize including: a primary controller for determining the award of a prize; and an auxiliary controller capable of communication with the primary controller, the auxiliary controller being further capable of communication with one or

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more gaming terminals (pg 1, par 9; *master and slave server*), comprising: at the auxiliary controller: receiving data from one or more of its respective set of gaming terminals, the data including at least one gaming terminal identifier and associated gaming terminal accumulated amounts (pg 2, par 23, *Each slave server is updated every half-second with data identifying each EGM whose coin-in was meters advanced in the preceding half second and the amount of advance by each*); deriving a total contributory amount in response to the gaming terminal accumulated amounts; and communicating the total contributory amount from the auxiliary controller to the primary controller; at the primary controller: determining whether or not to award a prize based upon one or more of the total contributory amounts received from one or more of the auxiliary controllers wherein a determination to award a prize is caused by a particular one of the total contributory amounts from a particular one of the auxiliary controllers; if a prize is determined to be awarded, communication data associated with the determination to the particular one auxiliary controller; and at the particular one of the auxiliary controllers; analyzing the data associated with the determination and the data stored in the memory to determine to which particular one of the gaming terminals caused the prize to be awarded, and determining that a prize is to be allocated to that particular one of the gaming terminals (pg 2, par 18, *In general terms, as participating EGMs are played, the current pool is incremented by the contribution rate multiplied by the total play on the EGMs. When the current pool reaches or exceeds the lucky number, the master server randomly selects the winning slave server, then the slave server randomly selects the winning EGM. The Examiner would like to point out that*

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the Applicant does not clearly claim how the total contributory amount affects which slave and EGM is selected. For example, as claimed, if the total contributory amount from all of the EGMs at each of the different slave servers was zero, the master server would chose to not choose either of the slave servers or EGMs as a winning machine. Hence the claim limitation of determining to not award a prize based on the total contributory amounts at the slave server and EGMs is met.).

In reference to claims 2 and 3, Schneider discloses: deriving a respective contributory amount in response to each gaming terminal accumulated amount and deriving a total accumulated amount in response to the gaming terminal accumulated amounts (pg 2, par 19; *The current pool represents the combined contributions of each slave server and each slave server pool total further represents the combined contribution of all EGMs*).

In reference to claims 4, 5, and 6, Schneider discloses a user-selected percentage of the play is added to a common bonus pool (pg 1, par 8). Schneider also discloses that the contribution rate is typically 0.001% to 3% of all coin-in (pg 2, par 21).

In reference to claim 10, Schneider discloses wherein the auxiliary controllers and the primary controller are geographically separate and each of the auxiliary controllers are disposed at separate venues (pg 1, par 9).

In reference to claim 11, Schneider discloses that the master server is configured with a list of all slave servers participating in the promotion (pg 2, par 19).

In reference to claims 12 and 13, Schneider discloses that each slave server is also configured with which EGMs (game terminals) are linked to a particular bonus pool (pg 2, par 20).

In reference to claims 14, 15, and 16, Schneider discloses a "heartbeat" message that is sent to the EGMs approximately every 5 seconds that causes the EGMs to update the value of the their contributions to the master server (pg 2, par 21).

In reference to claims 17 and 18, Schneider discloses that the master server sends win messages to slave servers who then identify a winning EGM that is then communicated back to the master server (pg 3, par 26).

In reference to claim 23, Schneider discloses a wide area network that incorporates a single master server that is connected to different casinos, which include local area networks (see Figure 1 and pg 1-2, par 13).

In reference to claims 19 and 20, Schneider discloses the invention substantially as claimed. Schneider discloses that it selects the next half-second of updated play data to randomly choose a winning EGM from those that had a coin-in event (pg 2, par 26).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US PGPub 2003/0092484), and further in view of Karmarkar (US 6,508,709).

In reference to claim 7, Schneider discloses the invention substantially as claimed. Schneider does not specifically disclose a wide area network having a bandwidth of less than or equal to 10,000 bits per second. Karmarkar teaches a gaming network that communicates over a wide area network at a bandwidth of 10kps (col 2, ln 26-29).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Schneider in view of Karmarkar to have a gaming network able to operate at a certain data rate.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US PGPub 2003/0092484), and further in view of Giobbi (US PGPub 2003/0045354).

In reference to claim 8, Schneider discloses the invention substantially as claimed. Schneider does not specifically disclose a local area network having a

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bandwidth approximately equal to 10 mega bits per second. Giobbi teaches using a local area network with data transfer rates of 10, 100, and 1000 mega bits per second (pg 3, par 24).

It would have been obvious to a person having ordinary skill in the art to have modified Schneider in view of Giobbi to have a local gaming network that is able to operate at a certain data rate.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (US PGPub 2003/0092484, and further in view of Olsen (US 6,110,043).

In reference to claim 21, Schneider discloses the invention substantially as claimed. Schneider discloses using a slot machine (pg 1, par 13), but not specifically as poker machine; a point of sale register; a mobile phone; a personal computer; an access control point; or a television. Olsen teaches using a poker machine (col 1, ln 10-11).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Schneider in view of Olsen to have a variety of gaming machines contributing to the jackpot pool.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not persuasive. With respect to claims 1, 22 and 24, Applicant argues that Schneider fails to teach "determining whether or not to award a prize..."

The Examiner respectfully disagrees.

As discussed above in reference to claims 1, 22 and 24, the Applicant does not clearly claim how the total contributory amount affects which slave and EGM is selected. The Examiner submits that the present invention also carries a two-step random selection process. As the Applicant stated in the Remarks, "When the amount exceeds a randomly selected value, a prize is triggered. (pg. 8)" This is analogous to Schneider's selection of a random lucky number. The Applicant also asserts "that the prize is ultimately award to the gaming machine responsible for the contributory amount that pushed the total over the limit." As claimed, it is unclear how this is accomplished. It is also a random process as to which EGM will be responsible for reaching the limit. In the example used above in the discussion of claims 1, 22 and 24, if the contributory amount is equal to zero, then the present invention does not award a prize to any machine. Thusly, fulfilling the claim limitation of "determining whether or not to award a prize...." Schneider's random selection is also weighed proportionally to give the EGMs with larger wagers a greater chance at winning the jackpot (pg 3, par 26). Also giving the EGM that was responsible for reaching the limit a greater likelihood of winning the jackpot. The Applicant is invited to expressly claim how the total contributory amount of each EGM directly affects the outcome of the jackpot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is

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(571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714